

# PETITION FOR DECLARATORY RULING

## FCC Over-the-Air Reception Devices (OTARD) Rule - 47 C.F.R. § 1.4000

**IMPORTANT:** This is a customer-preparation template, not an FCC-issued form. OTARD petitions are Commission filings handled centrally; do not instruct customers to deliver them to a local FCC field office. The rule permits an affected party to petition the FCC for a declaratory ruling regarding a particular antenna restriction.

### Before the customer files

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The customer should identify the exact HOA covenant, architectural rule, deed restriction, denial, fine, or other restriction being challenged and explain how it impairs installation, maintenance, or use of a covered TV antenna. Under the OTARD rule, an impairment can include unreasonable delay or prevention, unreasonable added cost, or loss of an acceptable-quality signal.

- ☐ Attach the complete HOA covenant/rule document, and mark the exact section being challenged.
- ☐ Attach any violation notice, denial, architectural-control letter, fine notice, email, or other HOA correspondence.
- ☐ Attach clear photographs of the home, proposed/existing antenna location, and antenna if they help explain the dispute.
- ☐ Include any installer statement, signal report, estimate, or other evidence showing why the HOA-required location would impair reception or increase cost.
- ☐ Serve a copy of the petition and attachments on the HOA/association or other party whose restriction is being challenged.
- ☐ Complete the Declaration and Certificate of Service at the end of this template.

### Filing notes

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**Electronic filing:** Submit an original petition and all attachments to [OTARD@fcc.gov](mailto:OTARD@fcc.gov). Because filing procedures can change, confirm the current FCC instructions before submission.

**Paper filing:** Send an original and one copy of the petition and all attachments to: Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Attention: Media Bureau - Policy Division. For filing questions, call 1-888-CALL-FCC (1-888-225-5322).

*This template is intended to organize the customer's facts and supporting documents. It is not legal advice and does not guarantee that the FCC will accept or grant a petition.*

CUSTOMER OTARD PETITION TEMPLATE - NOT AN OFFICIAL FCC FORM  
**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

|                                                                                                                            |                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>In the Matter of:</b><br><br>_____<br><br>Petitioner<br><br>Petition for Declaratory Ruling Under<br>47 C.F.R. § 1.4000 | FCC File/Docket No.<br>(if assigned)<br><br>_____<br><br>CSR No.<br>(if assigned)<br><br>_____ |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|

**PETITION FOR DECLARATORY RULING**

**1. Petitioner information**

|                                       |  |
|---------------------------------------|--|
| <b>Full legal name</b>                |  |
| <b>Property address</b>               |  |
| <b>City / State / ZIP</b>             |  |
| <b>Mailing address (if different)</b> |  |
| <b>Phone</b>                          |  |
| <b>Email</b>                          |  |

**2. Property and ownership / exclusive-use information**

- ☐ I own the property where the antenna is or will be installed.
- ☐ I lease/rent the property and have exclusive use or control of the antenna location.
- ☐ The antenna location is within my exclusive use or control and is not a common area.

*Briefly describe the property and the area where the antenna is/will be installed (for example: single-family home, roof, side wall, backyard, patio):*

\_\_\_\_\_

\_\_\_\_\_

**3. Homeowners association / restricting party**

|                                    |  |
|------------------------------------|--|
| <b>Association / entity name</b>   |  |
| <b>Management company (if any)</b> |  |
| <b>Contact person / title</b>      |  |
| <b>Mailing address</b>             |  |
| <b>Email</b>                       |  |
| <b>Phone</b>                       |  |

#### 4. Antenna and installation

|                                     |                                |
|-------------------------------------|--------------------------------|
| Antenna type                        | TV broadcast receiving antenna |
| Manufacturer / model (if known)     |                                |
| Approx. antenna dimensions          |                                |
| Mast/support height (if any)        |                                |
| Existing or proposed location       |                                |
| Installer / company (if applicable) |                                |

Describe why this location is needed for reliable reception, safe installation, reasonable cost, or practical cable routing:

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#### 5. Restriction being challenged

Identify the exact covenant, rule, architectural guideline, denial, fine, or other restriction. Include article/section/page number if available:

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Quote the exact language of the restriction being challenged:

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#### 6. How the restriction impairs antenna installation, maintenance, or use

- ☐ It unreasonably delays or prevents installation, maintenance, or use.
- ☐ It unreasonably increases the cost of installation, maintenance, or use.
- ☐ It precludes reception of an acceptable-quality television signal.
- ☐ It requires prior approval or relocation that causes one or more of the above impairments.
- ☐ Other impairment described below.

Explain the facts in detail. State what the HOA is requiring, why that alternative does not work, and any added cost, delay, signal loss, or installation problem:

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#### 7. Steps taken to resolve the dispute

List requests, applications, meetings, emails, letters, denials, violation notices, fines, or other attempts to resolve the matter with the HOA. Include dates when possible:

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## 8. Relief requested

Petitioner respectfully requests that the Federal Communications Commission issue a declaratory ruling under 47 C.F.R. §§ 1.2 and 1.4000 determining that the restriction identified in this petition is prohibited and unenforceable to the extent it impairs the installation, maintenance, or use of the covered television broadcast receiving antenna described above.

Petitioner further requests such other relief as the Commission considers appropriate.

## 9. Attachments

- ☐ Attachment A - HOA covenants / deed restrictions / rules (complete relevant document).
- ☐ Attachment B - Violation notice, denial, ARC/architectural-control correspondence, or fine notice.
- ☐ Attachment C - Photographs of antenna, home, and/or proposed location.
- ☐ Attachment D - Installer statement, channel/signal report, estimate, or technical explanation.
- ☐ Attachment E - Relevant emails or letters with the HOA/management company.
- ☐ Other: \_\_\_\_\_.

## 10. Declaration under penalty of perjury

I declare under penalty of perjury that the factual statements made by me in this petition and in the attachments that are based on my personal knowledge are true and correct. I understand that the FCC OTARD rule requires allegations of fact in petitions to be supported by a person with actual knowledge. This declaration is intended to support those factual allegations consistent with 47 C.F.R. §§ 1.16 and 1.4000(h).

|                           |  |
|---------------------------|--|
| <b>Executed on (date)</b> |  |
| <b>Signature</b>          |  |
| <b>Printed name</b>       |  |

## 11. Certificate of Service

I certify that on the date shown below, I served a complete copy of this Petition for Declaratory Ruling, including all attachments, on the association/entity whose restriction is challenged, as required by 47 C.F.R. § 1.4000(f).

|                                        |                                                                                                                                         |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date served</b>                     |                                                                                                                                         |
| <b>Name of association / recipient</b> |                                                                                                                                         |
| <b>Recipient contact person</b>        |                                                                                                                                         |
| <b>Service method</b>                  | <input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Other |
| <b>Email / mailing address used</b>    |                                                                                                                                         |
| <b>Petitioner signature</b>            |                                                                                                                                         |

## Suggested email subject / cover line

**Subject: Petition for Declaratory Ruling Under 47 C.F.R. § 1.4000 - [Petitioner Name] v. [HOA/Association Name]**

Attached is my Petition for Declaratory Ruling under the FCC Over-the-Air Reception Devices Rule, 47 C.F.R. § 1.4000, together with supporting attachments and a Certificate of Service showing that a copy was served on the association/entity whose restriction is challenged.

**AUTHORITY AND FILING REFERENCES**

| Reference                              | Why it matters                                                                                                                                                                                                       |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>47 C.F.R. § 1.4000(e)</b>           | Allows affected parties to petition the FCC for a declaratory ruling to determine whether a particular restriction is permissible or prohibited under the OTARD rule.                                                |
| <b>47 C.F.R. § 1.4000(f)</b>           | Requires service of the petition on interested parties, including the party whose restriction is being challenged, and requires a Certificate of Service.                                                            |
| <b>47 C.F.R. § 1.4000(h)</b>           | Requires factual allegations in petitions and related pleadings to be supported by affidavit of a person with actual knowledge; also describes paper filing to the Secretary.                                        |
| <b>47 C.F.R. § 1.16</b>                | Permits an unsworn declaration under penalty of perjury in place of an affidavit for FCC filings, subject to the rule.                                                                                               |
| <b>Recent FCC OTARD example (2025)</b> | Brian Smith, MB Docket No. 25-214 / CSR 9022-O. The FCC record shows the homeowner sent his petition to OTARD@fcc.gov; the Media Bureau later granted the petition and found the HOA antenna restriction prohibited. |

**Practical point for John's Antennas:** Give the customer this blank template and, if you performed the antenna evaluation, attach a separate installer statement describing the recommended antenna location, why it is technically necessary, and what would happen to signal quality or installation cost if the HOA-required alternative were used. The customer should file the petition in the customer's own name unless counsel advises otherwise.